



General Assembly

February Session, 2000

***Raised Bill No. 5700***

LCO No. 1542

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***An Act Concerning Costs Of Incarceration.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (a) In the case of causes of action of any person  
2       obligated to pay the costs of such person's incarceration under section  
3       18-85a of the general statutes and regulations adopted in accordance  
4       with said section, the claim of the state shall be a lien against the  
5       proceeds therefrom in the amount of the costs of incarceration or fifty  
6       per cent of the proceeds received by such person after payment of all  
7       expenses connected with the cause of action, whichever is less, for  
8       repayment under said section, and shall have priority over all other  
9       claims including any lien of the state for repayment of public  
10      assistance except attorney's fees for said causes, expenses of suit, costs  
11      of hospitalization connected with the cause of action by whomever  
12      paid over and above hospital insurance or other such benefits, and, for  
13      such period of hospitalization as was not paid for by the state,  
14      physicians' fees for services during any such period as are connected  
15      with the cause of action over and above medical insurance or other  
16      such benefits; and such claim shall consist of the total amount of the  
17      costs of incarceration under section 18-85a of the general statutes. The

18 proceeds of such causes of action shall be assignable to the state for  
19 payment of the amount due under section 18-85a of the general  
20 statutes, irrespective of any other provision of law. The state's lien  
21 shall constitute an irrevocable direction to the attorney for the inmate  
22 to pay the Commissioner of Correction or his designee in accordance  
23 with its terms, except if, after written notice from the attorney for the  
24 inmate informing the commissioner or his designee of the settlement of  
25 the cause of action or judgment thereon and requesting the amount of  
26 the lien to be paid to the commissioner or his designee, the  
27 commissioner or his designee does not inform such attorney of the  
28 amount of the state's lien within forty-five days of receipt of the  
29 written request of such attorney for such information, such attorney  
30 may distribute such proceeds to such inmate and shall not be liable for  
31 any loss the state may sustain thereby.

32 (b) In the case of an inheritance of an estate by any person who is  
33 obligated to pay the costs of such person's incarceration in accordance  
34 with section 18-85a of the general statutes and the regulations adopted  
35 under said section, the claim of the state shall be a lien against such  
36 inheritance in the amount of the costs of incarceration or fifty per cent  
37 of the assets of the estate payable to the inmate, whichever is less. The  
38 Court of Probate shall accept any such lien notice filed by the  
39 commissioner or his designee with the court prior to the distribution of  
40 such inheritance, and to the extent of such inheritance not already  
41 distributed, the court shall order distribution in accordance therewith.

42 Sec. 2. (NEW) Upon the death of any person obligated to pay the  
43 costs of such person's incarceration under section 18-85a of the general  
44 statutes and regulations adopted in accordance with said section, the  
45 state shall have a claim against such person's estate for all costs of  
46 incarceration under the provisions of said section and regulations for  
47 which the state has not been reimbursed, to the extent that the amount  
48 which the surviving spouse, parent or dependent children of the  
49 decedent would otherwise take from such estate is not needed for their  
50 support. Such claims shall have priority over all other unsecured

51 claims against such estate, including any lien of the state for  
52 repayment of public assistance, except (1) expenses of last sickness not  
53 to exceed three hundred seventy-five dollars, (2) funeral and burial  
54 expenses in accordance with that allowed under section 17b-84 of the  
55 general statutes upon the death of a beneficiary of aid, and (3)  
56 administrative expenses, including probate fees and taxes, and  
57 including fiduciary fees not exceeding the following commissions on  
58 the value of the whole estates accounted for by such fiduciaries: On the  
59 first two thousand dollars or portion thereof, five per cent; on the next  
60 eight thousand dollars or portion thereof, four per cent; on the excess  
61 over ten thousand dollars, three per cent. Upon petition by any  
62 fiduciary, the Probate Court, after a hearing thereon, may authorize  
63 compensation in excess of the above schedule for extraordinary  
64 services. Notice of any such petition and hearing shall be given to the  
65 Commissioner of Correction at least ten days in advance of such  
66 hearing. The allowable funeral and burial payment authorized by this  
67 section shall be reduced by the amount of any prepaid funeral  
68 arrangement. Any amount paid from the estate under this section to  
69 any person that exceeds the limits provided in this section shall be  
70 repaid to the estate by such person, and such amount may be  
71 recovered in a civil action with interest at the legal rate from the date  
72 of demand.

73       Sec. 3. This act shall take effect from its passage.

***Statement of Purpose:***

To enable the Department of Correction with the assistance of the Department of Administrative Services to collect the costs of an inmate's incarceration when the inmate receives proceeds from a cause of action or from an inheritance or when the inmate dies.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*